

REMARKS

Applicant requests reconsideration and allowance in view of the foregoing remarks.

Claims 39-63 are pending and claims 39 and 40 were previously withdrawn by the Examiner. Of the pending claims, claims 41-63 are presently under consideration, with claims 41, 49, and 57 being independent. No new matter has been added.

Initially, Applicant thanks Examiner Woo for indicating that claims 41-56 are allowed.

Claims 58-60 have been objected to because of informalities. Specifically, claims 58-60 have been objected to because the claims depend from previously cancelled claim 1. Applicant has amended claims 58 and 60 to depend from claim 41. Accordingly, Applicant requests reconsideration and withdrawal of the objection.

Claims 57-62 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant has attempted to contact Examiner Woo to better appreciate Examiner Woo's concerns with respect to the 35 U.S.C. § 101 rejection of independent claim 57, but has been unsuccessful. With this in mind, Applicant respectfully requests Examiner Woo to contact Applicant's representative to discuss the rejection before taking further action.

As discussed in a prior response, features of claim 57 recite the phrase "means for" in combination with a specific function. Therefore, the features properly invoke interpretation under 35 U.S.C. § 112, sixth paragraph. See M.P.E.P. § 2181. Under 35 U.S.C. § 112, sixth paragraph, claim limitations expressed in means-plus-function language "shall be construed to cover the corresponding structure . . . described in the specification and equivalents thereof." 35 U.S.C. § 112, sixth paragraph; M.P.E.P. § 2181. Therefore, because claim 57 is properly interpreted as covering the corresponding *structure*, it does not recite "software per se" as asserted by the office action. Accordingly, the rejection under 35 U.S.C. § 101 should be withdrawn.

Applicant also asks Examiner Woo to separately consider the features of claims 61-63, which depend from independent claim 57 in considering whether those claims recite patentable subject matter.

Applicant submits that all claims are in condition for allowance and requests allowance.

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It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejected claims in further prosecution of this or related applications.

The fee in the amount of \$50.00 in payment of the excess claims fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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